

REMARKS

I. Claim Status

Claims 26 - 34 have been canceled without prejudice to Applicant's right to seek protection for the subject matter thereof in a continuing application.

Claims 18 – 25 remain in the application.

II. Terminal Disclaimer

In the Decision On Appeal, the BPAI reversed all of the prior art rejections, sustained the rejections of claims 18 – 34 based on double patenting, and added a new rejection of claims 26 – 34 under 35 USC §112 (1st paragraph). Claims 26 – 34 have been canceled.

The only outstanding issues in this application pertain to the obviousness type double patenting rejections of claims 18 – 25, the only remaining claims. Applicant is submitting herewith a Terminal Disclaimer disclaiming the terminal part of the statutory term of any patent granted on the instant application which would extend beyond the expiration date of the shorter of the full statutory terms of U.S. Patent Nos. 5,529,129 and 6,354,021.

III. Conclusion

The Terminal Disclaimer submitted herewith overcomes the obviousness type double patenting rejections which are the only outstanding issues in this application. Accordingly, it is submitted that this application, with claims 18 – 25, is now in condition for allowance.

Applicant hereby petitions for any extension of time which may be required to maintain the pendency of this case, and any required fee for such extension is to be charged to Deposit Account No. 05-0460.

Respectfully submitted,



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